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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,262	11/18/2003	Joseph L. Dvorak	7463-33	6508

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MOTOROLA, INC  
INTELLECTUAL PROPERTY SECTION  
LAW DEPT  
8000 WEST SUNRISE BLVD  
FT LAUDERDAL, FL 33322

EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/716,262	Applicant(s) DVORAK, JOSEPH L.	
	Examiner MINH D. DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 06/27/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|--|

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 06/27/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the transmitter of Oros is only enabled when the user applies pressure to the pressure-actuated switch. Examiner disagrees. In Oros, referring to fig. 7, the pressure required to close the contacts 28 and 29 of the switch 14 is controlled by manual rotation of the threaded contact 29. Therefore, it is obvious that once the required pressure adjustment has been mechanically made to fit around the stomach of the user to turn on the transmitter, the user only needs to engage the buckle and the eyelets to activate the transmitter.

In response to applicant's argument that the trap ends of Olsen wristwatch radiotelephone are not coupled together in operation. Examiner would like to point out to applicant that examiner only relies on Olsen for the teaching of a integrated radio selected from the group of devices comprising a public safety radio, an iDEN transceiver, a dispatch radio, a trunked two-way radio, a Bluetooth transceiver, a GPS receiver, a satellite phone, a cellular phone, and a cordless phone.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Oros (US 4,157,540).

Regarding claim 1, Oros teaches a wearable communication device, comprising: a belt having an integrated radio; and a buckling mechanism having mating portions on opposing ends of the belt, wherein the integrated radio is enabled for transmission or receipt of communication signals upon the buckling of the mating portions (see figs. 1, 8, and 9; col. 3, lines 14-26).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2682

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,3, 8-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oros (US 4,157,540) in view of Olsen (US 4,847,818).

Regarding claim 2, Oros, as mentioned above, teaches the limitations of claim 1 but fails to disclose that the integrated radio is selected from the group of devices comprising a public safety radio, an iDEN transceiver, a dispatch radio, a trunked two-way radio, a Bluetooth transceiver, a GPS receiver, a satellite phone, a cellular phone, and a cordless phone. Olsen, in an analogous art, teaches wristwatch radiotelephone. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Oros so that would include a transceiver in order to be able to perform two-way communication to allow a help-needed person to notify and talk with the helping authority.

Regarding claim 3, reference Oros and Olsen once combined teaches the wearable communication device of claim 1, wherein the device further comprises an embedded antenna coupled to the integrated radio (see reference Olsen, col. 1, lines 10-20).

Regarding claim 9, reference Oros and Olsen once combined teaches the wearable communication device of claim 1, wherein the belt can be worn around a waist, wrist, or ankle or slung across the chest (see reference Oros, col. 3, lines 14-26).

Regarding claim 8, reference Oros and Olsen once combined teaches the wearable communication device of claim 5, wherein the device further comprises a plurality of removable modules comprising radio components or a battery (see fig1, power supply 18; fig. 8, timer means 16 and alerting means 15).

Regarding claim 10, reference Oros and Olsen once combined teaches wearable communication device of claim 1, wherein the integrated radio remains in an off mode or a battery saving mode when the buckling mechanism is unbuckled (see reference Oros, col. 3, lines 14-26).

Regarding claim 11, the claim has the limitations as that of claims 1 and 2, and therefore is interpreted and rejected for the same reason set forth in the rejections of claims 1 and 2.

Regarding claim 12, the claim has the limitations as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Regarding claim 13, the claim has the limitations as that of claim 3, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 3.

Regarding claim 18, the claim has the limitations as that of claim 8, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 8.

Regarding claim 19, the claim has the limitations as that of claim 9, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 9.

Regarding claim 20, the claim has the limitations as that of claim 10, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 10.

4. Claims 4, 7, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oros (US 4,157,540) in view of Leonard (US 2002/0176586).

Regarding claim 4, Oros, as mentioned above, teaches the limitations of claim 1 but fails to disclose a remote speaker/microphone input jack. Leonard, in an analogous art, teaches this limitation (see section [0023]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Oros so that it would include a speaker/microphone jack in order to allow one to free-hand communicate with the other end of the communication.

Regarding claim 7, reference Oros and Leonard once combined teaches the wearable communication device of claim 5, wherein the user interface control comprises a volume

Art Unit: 2682

control, a push-to-talk button, a speaker, or a microphone (see reference Leonard, section [0023]).

Regarding claim 14, the claim has the limitations as that of claim 4, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 4.

Regarding claim 17, the claim has the limitations as that of claim 7, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 7.

5. Claims 5,6,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oros (US 4,157,540) in view of Bush (US 2002/0187757).

Regarding claims 5, and 6, Oros, as mentioned above, teaches the limitations of claim 1 but fails to disclose the buckling mechanism further comprises a user interface control or a memory card slot. Bush, in an analogous art, teaches this limitation (see fig. 1 and section [0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Oros so that it would include a memory card slot as suggested by Bush for the benefit of being able to replace or upgrade the memory when needed.



Regarding claims 15, and 16, the claims have the limitations as that of claim 5, and 6 respectively, and therefore are interpreted and rejected for the same reason set forth in the rejections of claims 5, and 6.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao *MM*  
Art Unit 2682  
September 12, 2005

  
LEE NGUYEN  
PRIMARY EXAMINER